

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

RON FOSTER, MARKETING & PLANNING)	
SPECIALISTS LIMITED PARTNERSHIP, and)	
FOSTER FARMS, LLC,)	
	No. 2:14-cv-16744
Plaintiffs,)	
v.)	
)
UNITED STATES ENVIRONMENTAL)	PLAINTIFFS' MOTION FOR
PROTECTION AGENCY and GINA)	SUMMARY JUDGMENT
MCCARTHY, in her official capacity as)	
Administrator,)	
Defendants.)	

**PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT
FOR DISMISSAL OF DEFENDANTS' COUNTERCLAIMS**

Plaintiffs Ron Foster, Marketing & Planning Specialists, L.P. and Foster Farms, LLC (collectively, "Plaintiffs") submit this motion for summary judgment under Fed. R. Civ. P. ("FRCP") 56 for dismissal of counterclaim(s) of Defendants U.S. Environmental Protection Agency ("EPA") and Gina McCarthy, administrator of EPA, (collectively the "EPA"). For the reasons set forth in the attached memorandum of law, Plaintiffs' Motion for Summary Judgment dismissing EPA's counterclaim(s) should be granted.

DATED this 21st day of February, 2017.

Respectfully submitted,
**RON FOSTER, MARKETING & PLANNING
SPECIALISTS LIMITED PARTNERSHIP and
FOSTER FARMS, LLC**

s/ J.C. (Max) Wilkinson, Jr.
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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

RON FOSTER, FOSTER FARMS, LLC, and)	
MARKETING & PLANNING SPECIALISTS)	
LIMITED PARTNERSHIP,)	No. 2:14-cv-16744 (JTC)
Plaintiffs & Counterclaim-Defendants)
)
v.)	PLAINTIFFS' MOTION
) FOR SUMMARY JUDGMENT
UNITED STATES ENVIRONMENTAL)	
PROTECTION AGENCY and GINA)	
MCCARTHY, in her official capacity as)	
Administrator,)	
Defendants and Counterclaimants.)
)

CERTIFICATE OF SERVICE

I hereby certify that on February 21st, 2017, I served the foregoing Plaintiffs' Motion for Summary Judgment and Memorandum of Law in Support of Motion for Summary Judgement on the following counsel for Plaintiffs via the Court's CM/ECF service:

JOHN C. CRUDEN Assistant Attorney General Environment and Natural Resources Division	Amanda Shafer Berman Laura Jane Brown United States Department of Justice 600 D St. NW, Ste 8000 Washington D.C. 20004 202-514-1950 (Berman) 202-514-3376 (Brown) amanda.berman@usdoj.gov laura.j.s.brown@usdoj.gov
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s/ J. C. (Max) Wilkinson, Jr.
J. C. (Max) Wilkinson, Jr.

Dated: February 21, 2017